UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.45
25 September 2000

Original: ENGLISH

Substantive session of 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

Nepal*

[25 October 1999]

* The information submitted by Nepal in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.42).

GE.00-44678 (E)

CONTENTS

		Paragraphs	Page
Introduction		1 - 5	3
I.	COUNTRY IN GENERAL	6 - 57	3
	A. Background	6 - 23	3
	B. Overall review	24 - 57	7
II.	SPECIAL MEASURES TAKEN TO IMPLEMENT SPECIFIC ARTICLES OF THE COVENANT	58 - 185	14
	Article 1. Right to self-determination	58 - 59	14
	Article 2. Equality of rights and protection of rights	60 - 75	14
	Article 3. Equality of rights between men and women	76 - 87	17
	Article 4. Limitations on economic, social and cultural rights in time of public emergency	88	18
	Article 5. Safeguard clauses	89 - 90	19
	Article 6. Right to work	91 - 98	19
	Article 7. Right to enjoyment of just and favourable conditions of work	99 - 102	21
	Article 8. Right to form trade union	103 - 104	22
	Article 9. Right to social security, including social insurance	105 - 112	22
	Article 10. Protection and assistance to the family	113 - 130	23
	Article 11. Right to an adequate standard of living	131 - 145	26
	Article 12. Right to enjoyment of the highest attainable standard of physical and mental health	146 - 157	28
	Article 13. Right to education	158 - 179	31
	Article 14. Provision of compulsory education	180	34
	Article 15. Right to cultural life, scientific research and creative activity	181 - 185	34

Annexes

I.	Trend of major economic indicators	36
II.	Some indicators of human development	37

Preface

Introduction

1. The International Covenant on Economic, Social and Cultural Rights was adopted on 3 January 1976. Nepal ratified this Covenant on 14 May 1991. Pursuant to article 16 of the Covenant, the State parties are obliged to submit reports on measures adopted and progress made in achieving the observance of those rights.

2. Nepal is committed to the protection and promotion of human rights. After the restoration of multiparty democracy in Nepal in 1990, the Constitution of the Kingdom of Nepal has guaranteed people's human rights and fundamental freedoms of every citizen of Nepal. Meanwhile, Nepal has become a party to a number of international human rights instruments. Several appropriate legal, institutional and developmental measures have been put in place and envisaged in keeping with these constitutional provisions and international commitments.

3. His Majesty's Government is wedded to mutually reinforcing goals of democracy and development. Strengthening the institutions of democracy and improving the economic, social and cultural status of the people are its priorities. Sustained efforts are being exerted to eradicate poverty and enhance economic well-being, to promote social upliftment and harmony and to ensure the enjoyment of cultural life and of the benefits of scientific progress.

4. The present report includes measures taken by Nepal to ensure the economic, social and cultural rights of Nepalese people. The report is an outcome of the combination of inputs from different governmental and non-governmental sources and bodies.

5. His Majesty's Government regrets the delay in preparing and submitting this report to the United Nations which was caused by unavoidable circumstances.

I. COUNTRY IN GENERAL

A. Background

1. Geophysical characteristics

6. Nepal is a landlocked country situated between China in the north, and India in the east, west and south. It lies between the latitude of 26°+22' N. to 30° 27' N. and longitude of 80° 4' E. to 88° 12' E. It has a land area of 147,181 sq. km, with an average length of 885 km, east to west, and a width of 193 km, north to south. The altitude rises from about 70 metres above sea level in Terai, the southern plain, to 8,848 metres in the high Himalayas in the north. It has a tremendous altitudinal variation, with a wide range of topography and climates, ranging from subtropical to alpine. The annual rainfall ranges between 1,154 mm. and 3,620 mm. Topographically, Nepal can be divided into three belts: the Mountains (35.21 per cent), the Hills (41.68 per cent) and the Terai (23.11 per cent of the total area). For administrative purposes, the country is divided into 5 development regions and 75 districts. These districts have been further subdivided into 58 municipalities and 3,912 Village Development Committees (VDCs).

2. History and political structure

7. The history of modern Nepal began in 1769, when the founder of present-day Nepal, King Prithvi Narayan Shah, unified a number of small feudal States into a single State with the valley town of Kathmandu as its capital. In 1846, following the Kot massacre, the Shah Kings, successors to Prithvi Narayan Shah, lost their power to the Rana Prime Ministers. It was the start of a 104-year Rana family oligarchy. Up to the middle of this century, Nepal was little known outside South Asia.

8. The late King Tribhuvan Bir Bikram Shah Dev proclaimed the establishment of democracy in Nepal in February 1951 after the King and people together liberated the country from the Rana oligarchic regime. In 1958, the late King Mahendra Bir Bikram Shah Dev introduced a new Constitution providing for a parliamentary form of government. The first-ever popular election on the basis of adult franchise was held in early 1959. And an elected government took power for the first time in the history Nepal. But this experiment did not last long. On 15 December 1960, King Mahendra declared an emergency and introduced a partyless panchayat system, dismissing the 19-month old democratically elected government. A new Constitution promulgated in 1961 vested the sovereignty of the State in the Crown, from where all legislative, executive and judicial powers emanated. The King was thus placed at the centre and at the apex of government machinery.

9. As a result of a popular movement launched in 1990, the partyless panchayat system was dissolved and a new, democratic Constitution was promulgated. This Constitution provides for a multiparty parliamentary system of government, with the King as the constitutional Head of State, the Prime Minister responsible to Parliament as the Head of Government, and an independent judiciary.

10. Parliament consists of (i) the House of Representatives with 205 members and (ii) the National Assembly, or the Upper House, with 60 members.

11. According to the Local Self Governance Act, 1999, at least 20 per cent of total candidates for the local-level bodies should be women. Hence, more than 36,000 women are now participating in the local bodies in the country. Every Village Development Committee ward will have at least one female member. It can be regarded as a landmark achievement towards the empowerment and participation of women at the grass-roots level.

3. Population characteristics

12. There has been a steady increase in Nepal's population over the years. In 1961, the population was recorded as 9.4 million, which doubled within a period of 30 years. According to the census of 1991, the total population of Nepal was 18.5 million, out of which males and females constituted 49.9 and 50.1 per cent respectively. Of the total population, the percentage of children was 42.4. About 12 per cent of the population resides in urban areas, whereas about 88 per cent live in rural areas. The annual growth rate of population during the inter-censal period 1981-1991 was 2.1 per cent, as compared to 2.66 per cent during the period 1971-1981. If this current growth continues for at least the next 30 years, the present population of 21 million will reach 40 million by 2025.

13. The population distribution by sex and age is given below:

Table 1

Population distribution by sex and age, 1996

Age group	Percentage of population by sex and age		
	Male	Female	Total
0 - 14	44.4	41.8	43.1
15 - 64	52.15	54.6	53.4
65+	3.5	3.6	3.5

Source: Population Projection, 1996, Central Bureau of Statistics, National Planning Commission, HMG/N.

4. Economic characteristics

14. Agriculture is the mainstay of the economy of the country. It contributes more than one half of household income, provides employment to about 81 per cent of the population and has a significant bearing on the manufacturing and export sectors. The share of agriculture in GDP, however, has declined consistently in the last two decades as agriculture production grew only by 2.3 per cent annually. The service sector is now assuming a more prominent place in the structure of the economy. The marked increase in the share of the service sector in GDP is mainly attributed to the expansion of trade and tourism services. Poverty is deep rooted in the rural and agricultural households. Among the economically active people in the 15-64 age group in 1996/97, 4.9 per cent of the labour force remained unemployed and 47 per cent were underemployed.

15. The contribution of the different sectors to GDP in fiscal year 1997/98 is given below:

Table 2

Contribution of the different sectors to GDP in 1997/98

Sector	Percentage contribution
Agriculture	41.7
Trade, hotel and restaurant	11.3
Finance and real estate	10.3
Construction	9.2
Industry and mines	9.4
Social service	10.4
Transport and communication	7.8
Electricity, gas and water	0.8
Total	100.0

Source: The Ninth Plan National Planning Commission (NPC) HMG/N, 1998.

16. The per capita income of Nepal is US$ 210 (1996/97). The total amount of land under agriculture is about 2.6 million hectares. On average, a farm family holds 0.95 hectares of land. Seventy per cent of farm families have less than 1 hectare of land. Forty-four per cent of farmers have less than 0.5 of a hectare of land (Ninth Plan 1997-2002).

17. The trend of economic indicators is given in annex I.

5. Social and cultural characteristics

18. Nepal's wide range of altitude supports broad cultural variations. There are about 60 different ethnic groups, speaking about 38 languages. The inhabitants of the Mountains are of predominately Tibeto-Burmese origin and those of the Terai are largely Indo-Aryan, while the Hills have a mixed population configuration. Fortunately, Nepal has social peace and harmony in spite of its multi-ethnic and multireligious character. The law prohibits any discrimination on the basis of religion, sex, caste, colour, belief or otherwise.

19. The Constitution of the Kingdom of Nepal, 1990 (hereinafter called "the Constitution") stipulates that the State shall establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst various castes, tribes, religions, languages, races and communities. This social objective has been supplemented by State policies that emphasize the need to pursue a policy of strengthening national unity.

20. The Constitution guarantees the freedom of expression and ideology, movement, organization and profession, employment, industry and trade.

21. Social integration has been accepted by His Majesty's Government of Nepal (hereinafter called the Government) as an important agenda of socio-economic development of the country. It fully endorses the aim of social integration to "Create a society for all" in line with the Copenhagen Declaration of 1995 based on respect for human rights and fundamental freedoms, cultural and religious diversity, social justice, meeting the special needs of the vulnerable and disadvantaged groups, democratic participation and the rule of law.

6. Language and religion

22. Nepali is the official language. Classification by mother tongue shows that the Nepali speakers constitute 50.3 per cent of the total population. Maithali, Bhojpuri, Tharu, Tamang and Newari speakers make up 11.8, 7.5, 15.4, 4.9 and 3.7 per cent respectively.

23. Nepal is the only Hindu kingdom in the world. The majority of the population, 86.5 per cent are Hindus. The second largest religious group is that of the Buddhists at 7.8 per cent, whereas Muslims make up 3.5 per cent. The rest of the population profess other religions. Population distribution by religion is given below:

Table 3

Total population by religion, 1991

Religion	Percentage
Hindus	86.50
Buddhists	7.80
Islam	3.50
Kirantis	1.72
Christian	0.17
Jain	0.04
Others	0.14
Not stated	0.10
Total	100.0

Source: Central Bureau of Statistics, National Planning Commission, HMG/N.

B. Overall review

1. Economic development review

24. The first elected democratic Government, formed in 1991 launched wide-ranging reforms in the economy. As a result, during the Eighth Plan period (1992-1997), the average economic growth rate per year reached 5 per cent, from an average growth rate of 3.9 per cent per year from the 1970s to the 1980s. Nepal's economy has, over the years, undergone considerable change in the field of policy and legal reforms for economic liberalization. It has also succeeded in allocating a significant amount of funds for rural development in recent years.

25. Due to the high population growth rate, per capita income grew by only 1.4 per cent per annum during the last 25 years. About 42 per cent of the population lived below the poverty line and the marginal propensity to consume remained very high at 0.867 during the period 1986-1996.

26. The performance of the agricultural sector has been affecting the growth rate of GDP. Real GDP which had increased, on average, by 2.1 per cent in the 1970s, grew by 4.9 per cent during the 1980s and by 5.2 per cent in the 1990s. Non-agricultural GDP rose annually by 7 per cent during the 1970s, decelerated to 5.2 per cent during the 1980s and again accelerated to 7.8 per cent during 1990s (Annex 1).

27. Gross domestic savings are very low: on average, they stood at about 10 per cent of GDP during the past decade. Public savings remained marginally positive throughout the 1980s. Despite the financial liberalization and tax reforms, the savings performance of the country has remained poor, due to both the low rate of savings and the slow increase in real income. The low level of savings both in the public and private sectors has led to an unabated dependence on

foreign aid, the disbursement of which is further constrained by insufficient absorptive capacity, particularly due to inadequate counterpart funding owing to the low revenue/GDP ratio (11.2 per cent in financial year 1997/98).

28. A review of the targets and actual achievements at the sectoral level during the Eighth Plan period reveals that sectors like transport, communication, finance, real estate and community services have made progress according to the respective sectoral targets. Other sectors, however, have failed to meet the targets. On the whole, GDP increased by 5 per cent per annum as against the target of 4.9 (at factor cost) per cent during the Eighth Plan period.

29. Due to lower level of GDP growth and higher imports, the trade deficit (less transfer and aid) has risen from 12.6 per cent of GDP in 1990/91 to 27.1 per cent in 1996/97. The current account deficit has also been rising due to the huge trade deficit, although tourism, service and transfer income has increased.

30. Despite some progress in improving the standard of living, poverty alleviation still remains a major challenge for the Government. Chronic unemployment and underemployment, high population growth and low educational and health status still mar the society. The socially backward communities continue to be especially affected by these problems. Thus, the economic problems of the people have yet to be addressed. Due to high population growth and slow expansion in economic activities, the per capita income of Nepal has been one of the lowest in the world.

(a) Macroeconomic policy

31. The Government has pursued for quite some time a liberal, open and market-oriented economic policy aimed at achieving sustainable economic growth, poverty alleviation and reduction in regional imbalances, while maintaining macroeconomic stability at the same time. The Government has liberalized the trade and foreign exchange regimes, deregulated the financial market and reduced the Government's control over the economy. The economic reform process, however, slowed down since 1994 as successive political events led to the instability of the Government. Economic growth also remained uneven during the Eighth Plan period.

32. The policy has now been instituted of redirecting available government resources towards productive activities and of controlling unproductive expenditures and leakage so that the volume of national savings and return on government expenditures could be enhanced. Policies are being undertaken to mobilize internal savings, attain a high growth rate and ensure more equitable distribution of income along with achieving the objective of poverty alleviation. Maintaining internal and external stability through effective monetary, banking and credit policies is given priority in this respect.

33. Notwithstanding the opening of almost all sectors to foreign private investment to attract foreign capital and technology, not much such investment has come in to play a significant role in augmenting exports. Since domestic investment alone is insufficient to enable the country to

face the challenges of globalization, redoubled efforts are being made to attract foreign private investment into the country with a view to fostering the national interest, generating economic activities and promoting exports.

34. The living standard survey has determined 2,124 calories as the per capita daily requirement. The per capita annual expenditure to purchase that calorie equivalent of food worked out at Rs. 2,637. If expenditure on non-food items is added to that amount, per capita annual expenditure is estimated at Rs. 4,409. Based on this, the proportion of the population living below the poverty line has been found to be 42 per cent, of whom 82.9 per cent are poor and 17.1 per cent extremely poor.

35. Poverty alleviation has been one of the main objectives of the Ninth Plan (1997-2002). The agriculture sector has been taken as a lead sector in the national economy to reduce poverty, as well as to increase employment opportunities. The agriculture, water resources and tourism sectors have been identified as the major vehicles of the economy to enhance the development process. In order to achieve the goal of poverty alleviation, the promotion of a higher sustainable and equitable growth rate, rapid industrialization and the assignment of high priority to the agricultural development policy are underscored as the three main strategies in the Ninth Plan.

36. The goals of the Ninth Plan (1997-2002) are given below:

Table 4

Goals of the Ninth Plan

Particular	Ninth Plan goal
Average annual GDP growth rate (at factor cost)	6.0
Average annual per capita income growth rate	3.6
Difference between total investment and saving (as ratio of GDP)	8.8
Average annual export growth rate	11
Average annual import growth rate	8.5

Source: The Ninth Plan, NCP, HMG/N, 1997.

37. Necessary measures are being instituted to control prices and maintain supplies by means of monetary and fiscal policy instruments. The private sector is also being encouraged to install a regular and dependable mechanism for the supply of basic commodities to meet daily requirements.

2. Review of Social Development

38. Nepal is fortunate to have religious tolerance and social harmony amidst ethnic and religious diversity. The Constitution has vested the sovereignty of the country in the people. It guarantees the human rights and fundamental freedoms recognized by the international

community, including the freedoms of ideology, expression, movement, organization, profession, employment, industry and trade. The Constitution also offers remedies to any encroachment upon the rights and freedoms it has guaranteed.

39. Substantial progress has been made in different sectors of national life in the past. However, development in the social sector in terms of improving quality and service delivery has remained a challenge for the Government.

40. The health sector in Nepal has been somewhat successful in achieving the development of an institutional network for service delivery from the centre to local levels. Yet, due to difficulties in managing physical and logistical facilities and in the retention of manpower in the less developed areas, health service delivery has not been effective in bringing significant improvement in the health status of rural people. An analysis of demographic and disease patterns indicates that preventable infectious diseases, maternal and prenatal disorders and nutritional deficiencies are still predominant, though showing a declining trend. The life expectancy at present is only 56.

41. There has been a significant improvement in education over the years. The adult literacy rate has increased from 24 per cent in 1981 to 42 per cent in 1996. Women constitute more than two thirds of the illiterate population. The enrolment ratios in schools are about 70 per cent for the primary level, 50.3 per cent for the lower secondary level and 34.7 per cent for the secondary level. However, Nepal is still lagging behind in general, technical and vocational education.

42. Social security and welfare are being included in the national agenda as an integral part of overall development.

43. Consequent on the slow growth of socio-economic opportunities, achieving the goals of social development has proved an uphill task for Nepal. In addition, resources required to expand and develop health, education, shelter, drinking water and sanitary facilities are severely limited. The human development indicators are given in annex 2.

(a) Social development policies

44. The Government has adopted social sector development policies based on national need as well as commitments made at various United Nations conferences, such as: the Social Development Agenda, Health for All - 1979, Education for All - 1990, Child and Development - 1990 and commitments made at the Fourth World Conference on Women in 1995.

45. Nepal has been implementing a number of social development programmes in line with the Social Development Agenda. The Ninth Plan includes policies and strategies in this respect. On the basis of the existing socio-economic situation in the country, the Ninth Plan sets out two major developmental approaches. First, it is recognized that meeting socio-economic development challenges calls for long-term planning. Secondly, poverty is identified as the fundamental problem of the country and poverty alleviation as its primary objective.

46. The plan covers three broad areas under social development, i.e. education, health, and drinking water and sanitation, and identifies various policies and plans of action to address the challenges encountered in enhancing the process of social development. Some of the significant policy measures and strategies are as follows.

To expand opportunities for basic and primary education;

To mobilize the cooperation of the private sector, non-governmental organizations and the local community in expanding educational opportunities and services;

To strengthen the school management, supervision and monitoring and evaluation system;

To encourage timely improvement in curricula, textbooks and the examination system;

To introduce special programmes at the secondary and higher secondary education level to reduce caste, gender and physical inequalities;

To integrate technical and vocational training programmes;

To operate polytechnic schools to meet the short and long-term needs of basic, intermediate and skilled manpower;

To adopt a policy of cost sharing with the beneficiaries of higher education;

To adopt a clear policy to meet the cost of education without impairing the participation of the general public in educational programmes;

To introduce a policy of investing a specific percentage of GDP in education;

To formulate higher education policy considering the needs of the agriculture, industry and business sectors;

To modernize and expand the services related to forensic science and medico-legal aspects as integral to the health sector considering national needs and priority;

To deliver a basic health package at the local level by the year 2000 to meet the objective of "health for all" in the long term;

To deliver integrated basic health services to the general public through institutional mechanisms, in collaboration with district hospitals, primary health-care centres, and health posts and sub-posts;

To formulate comprehensive policy and programmes on manpower, medicine and medical equipment to make the services more effective and lower the institutional costs at all levels from the local level to the national level;

To make available drinking water to every Nepali citizen by the end of the Ninth Plan period by identifying and protecting the sources of water in the Terai and Hill areas;

To mobilize NGOs, community organizations and associations as partners for the socio-economic development of the country;

To involve fully the User's Committee and local institutions such as municipalities and village development committees in the process of plan formulation, programme implementation and maintenance.

47. Social development situation in 1996/97 and the goals of the Ninth Plan are given below:

Table 5

Social development situation in 1996/97 and the goals of the Ninth Plan

Sector	Situation in 1996/97	Goals for 2002
Infant mortality rate per 1 000 live births	74.7	61.5
Child mortality rate per 1 000 live births	118	102.3
Maternal mortality rate per 100 000 live births	47.5	40.0
Total fertility rate	4.58	4.20
Life expectancy	56.1	59.7
Contraceptive prevalence rate (percentage)	30.1	36.6
Delivery by trained birth attendants (percentage)	31.5	50.0
Crude death rate per 1 000	11.5	9.6
Crude birth rate per 1 000	35.4	33.1
Basic health services (percentage of population)	-	70
Drinking water facility (percentage of population)	61.08	100.00
Primary education enrolment (% of children of 6-10 years of age)	69.4	90
Secondary education enrolment (% of children of 11-15 years of age)	45	60
Literacy (% of population of 6 years and above)	48	70

Source: Ninth Plan, HMG/N, National Planning Commission, 1998.

(b) 20/20 Strategy intervention in the Nepalese context

48. The World Summit for Social Development held in Copenhagen in March 1995 adopted the 20/20 Initiative. The 20/20 Initiative has been conceived as a practical tool for priority setting, advocacy and mobilization of commitment and resources to achieve universal basic social service coverage.

49. The Government is pledged to implementing the provisions of various international conventions and covenants to which Nepal has adhered relating to all aspects of human rights and development of the people, including the 20/20 strategy. Recently "An analysis of 1984/85-1996/97 budget and aid restructuring in Nepal for monitoring the 20/20 Initiative" has been completed.

50. Programmes to promote economic and social rights of people, along with poverty alleviation, cannot be sustained unless they are linked with human development issues through increased investment in basic education, basic health and rural water supply and sanitation. Continued efforts have been made in the past to improve education, health, rural water supply, local development and other areas for the overall development of the country. However, the achievement remains limited, especially in addressing the needs of the vulnerable sections of the society.

51. The Government has not yet been able to bring about a significant improvement in the health status of the rural population owing to various service delivery, technical, managerial and human resource development problems.

52. There has been a significant improvement in education over the years. However, the majority of people are illiterate. Women constitute more than two thirds of the illiterate. Nepal is still lagging behind in technical and vocational education.

53. In the 1996/97 budget speech Nepal's commitment to implement gradually the concept of the 20/20 Initiative was enunciated.

54. In addition, the concept of human development has been given continuity in the Ninth Plan and, in the 1997/98 budget, the Government initiated a policy of investing a substantial amount of resources in programmes like basic and primary health care, education and rural drinking water schemes which directly contribute to poverty alleviation. Accordingly, 24.7 per cent of the 1997/98 regular budget is set aside for social sector development. Thus current budgets are being directed towards social development efforts. The proportion of the budget allocated to social services is 37.16 per cent, out of which the three above-mentioned sectors together account for 22.89 per cent.

55. In summary, universal access to basic social services will remain an elusive objective without additional resources and special protection measures for the vulnerable, especially during periods of fiscal austerity and humanitarian crises. The fulfilment of the social targets endorsed by the World Summit for Social Development and other United Nations-sponsored summits and conferences will evidently require additional financial resources in many developing countries like Nepal.

56. Nepal's expenditure ratios - public expenditure ratio, social allocation ratio, human expenditure ratio and 20/20 ratio - have remained lower than the ones recognized as international norms. Together, these ratios provide important clues to the poor state of human development in Nepal. However, the present policies of liberalizing the economy and cutting subsidies to public enterprises, and giving priority to the social sector indicate the Government's commitment to the 20/20 Initiative.

57. Despite substantial progress made in the past, improving the quality of life of the people still remains a major challenge for the Government in the face of chronic unemployment and underemployment, high population growth and low educational and health status.

II. SPECIAL MEASURES TAKEN TO IMPLEMENT SPECIFIC ARTICLES OF THE COVENANT

Article 1. Right to self-determination

58. After the restoration of multi-party democracy in 1990, the Constitution's various articles, particularly articles 11 to 23, have provided for the protection and consolidation of life, liberty and the rights of the people. The preamble to the Constitution asserts that the source of sovereign authority of independent and sovereign Nepal is inherent in the people and article 3 reinforces that provision by explicitly stipulating that the sovereignty of Nepal is vested in the Nepalese people. The guarantee of basic human rights to every citizen of Nepal is made one of the basic and unamendable features of Nepal's political system. Moreover, as a sovereign State, Nepal has the right to enter into relations with other States, conclude treaties, exchange diplomatic and consular representatives, and participate in the work of international organizations. Nepal is a member of the United Nations and its specialized agencies, the Non-Aligned Movement, the Group of 77 and various other international as well as regional organizations such as the South Asian SAARC.

59. As an active member of the United Nations, Nepal has been playing a dynamic role in formulating international legal document governing such legal principles and prescriptions as the sovereign equality of States, the non-use of threat of force, territorial sovereignty, the peaceful settlement of disputes, non-intervention and non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, equality of rights, and the right of people to determine their own destiny, cooperation and friendly relations among States, and pacta sunc servanda under international law. Nepal supports and has consistently advocated the immediate granting of the right to self-determination to the peoples who are still under colonialism.

Article 2. Equality of rights and protection of rights

Article 2.1

60. The equality of rights of citizens is a principle of the Constitution. All branches of current legislation are devoted to give it concrete form. Article 11 of the Constitution stipulates equality of all citizens before the law and equal protection of the law as enunciated in article 2 of the Covenant. Article 11 (2) of the Constitution states that discrimination shall not be made against any citizen in the application of general law on the grounds of religion, race, sex, caste,

tribe, ideological conviction or any of these. However, special legal provisions may be made for the protection and advancement of the interests of women, children, the aged or those who are physically or mentally disabled or who belong to a class which is economically, socially or educationally backward.

61. Similarly, article 11 (4) of the Constitution provides that no person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision is to be made punishable by law. Accordingly, section (10) A of the chapter on Adal (public order) of the Muluki Ain (the Law of the Realm) provides for a punishment of one year's imprisonment or a fine of 3,000 rupees, or both.

62. Section 3 of the Civil Liberties Act, 1954 deals with equality before the law and equal protection of the law; Section 4 prohibits any restrictions against any citizen on the basis of religion, race, sex, caste or any of these in making appointments to any civil posts. Again, even in times of emergency declared under article 115 of the Constitution, the right to equality stipulated in article 11 of the Constitution may not be suspended.

63. The Constitution has guaranteed basic human rights to every citizen as an unamendable structure of the Nepalese political set up. Consequently part 3 of the Constitution is devoted to fundamental rights comprising, to a very large extent, the human rights recognized by the international community. Article 18 of the Constitution grants the right to each community residing within the Kingdom of Nepal to preserve and promote its language, script and culture, as well as to operate schools up to the primary level in its mother tongue to impart education to its children.

64. Article 25 of the Constitution deals with the Directive Principles of the State. It provides that the chief objective of the State shall be to promote conditions of welfare on the basis of the principles of an open society, by establishing a just system in all aspects of national life, including social, economic and political life, while at the same time, protecting the life, property and liberty of the people.

65. It is also stipulated that the fundamental economic objective of the State shall be to transform the national economy into an independent and self-reliant system by preventing the available resources and means of the country from being concentrated within a limited section of the society, by arranging for the equitable distribution of economic gains on the basis of social justice, by preventing economic exploitation of any class or individual and by giving preferential treatment and encouragement to national enterprises both private and public.

66. Similarly, the social objective of the State is to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the various castes, tribes, religions, languages, races and communities.

67. Moreover, the Constitution entrusts to the State the chief responsibility to maintain conditions suitable for the enjoyment of the fruits of democracy through wider people's

participation in the governance of the country and decentralization and to promote the general welfare by providing for the protection and promotion of human rights and by maintaining tranquillity and order in society.

68. Hence, Nepal has adopted necessary constitutional and legislative measures to give effect to the rights recognized in the Covenant. If such rights are violated, then the victim shall have a judicial remedy through the competent judicial organ. Article 88 of the Constitution reads:

> "(1) Any Nepali citizen may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with this Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by this Constitution on any other ground, and extraordinary power shall be vested with the Supreme Court to declare that law as void either ab initio or from the date of its decision if it appears that the law in question is inconsistent with the Constitution."

69. The Government is effortful to achieve the speedy economic development of the country. Since 1956, eight successive periodic development plans have been implemented. During these years, a lot of development projects have been completed in the fields of transportation, education, health, telecommunications, hydro-electricity generation and rural development, and in other fields. These efforts have yielded positive results having a direct bearing on improving the everyday life of the people in both rural and urban areas.

70. The Government has adopted a policy of decentralization under which central powers are being gradually delegated to the district and village levels to achieve the objectives of participatory development. In view of the pervasive poverty in the country, the Government has given top priority to poverty alleviation in the Ninth Development Plan currently under implementation. Another important objective of the Government is to achieve higher economic growth by quickening the development process.

71. The Government has been receiving substantial economic cooperation, both financial and technical, from bilateral and multilateral donors. A number of friendly countries and donor agencies have been extending aid in the form of loans and grants, which have been invested in many socio-economic sectors of the country, mainly in sectors like transport, communications, health, education and rural development.

72. The Supreme Court has the extraordinary power to issue necessary and appropriate orders for the enforcement of the fundamental rights of the citizens, and of any other legal right for which no other remedy has been provided, or for redressing situations for which the remedy even though provided appears to be inadequate or ineffective, or for the settlement of any constitutional or legal question involved in any dispute of public interest or concern. For these purposes, the Supreme Court may, with a view to imparting full justice and providing the appropriate remedy, issue appropriate orders and writs, including the writs of habeas corpus, mandamus, certiorari, prohibition and quo warranto.

73. To develop a healthy social life by eliminating all types of economic and social inequalities and establishing harmony amongst the various castes, tribes, religions, languages,

race and communities is the social objective of the State as enunciated in the Constitution. The State is also directed to pursue a policy of mobilizing the natural resources and heritage of the country in a manner useful and beneficial to the interests of the nation.

74. Nepal is a least developed and land-locked country. Since the promulgation of the Constitution, the promotion of human rights has been made a cardinal principle of the State. Several legislative and executive measures have been adopted with a view to promoting human rights in the country.

75. There is a sizeable presence of foreign nationals in Nepal under various arrangements. They are engaged in gainful employment principally in trade and industry. A number of Indian nationals are also involved in vending, construction work and other menial jobs. Tibetan refugees live mainly in designated areas and earn their living through trade and industry. Bhutanese refugees reside in refugee camps in reasonably good conditions with support from the international community and the Government.

Article 3. Equality of rights between men and women

76. The Constitution and legislation have paid considerable attention to ensuring women's right to work, to participate in public life and to equal treatment vis-à-vis men. Article 11 of the Constitution ensures the equal rights of men and women in all economic, social and cultural spheres, as set forth in the Covenant.

77. Under article 26 (7) of the Constitution, the State is directed to pursue a policy that ensures women's participation to a greater extent in the task of national development by making special provisions for their education, health and employment; and under article 26 (9), the State is directed to pursue such policies in matters of education, health and social security for orphans, helpless women, the aged, the disabled and incapacitated persons, as well as to ensure their protection and welfare. Similarly, article 114 provides that for the purposes of elections to the House of Representatives, at least 5 per cent of the total candidates of any organization or party must be women.

78. Sections 3, 4 and 5 of the Civil Liberties Act provide, inter alia, for the equality of rights between men and women. All citizens are equal before the law and none can be denied the equal protection of the law. Similarly, any discrimination against women for the same work is also outlawed. However, any law may contain special provisions designed to protect and advance the interests of women. In 1991, Nepal ratified the Convention on the Elimination of All Forms of Discrimination against Women. It has also become a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 and the Protocol thereto.

79. After becoming party to these Conventions, in addition to this Covenant, Nepal has remained effortful to adopt necessary administrative as well as legislative measures, or to revise its existing legislative provisions, in line with the international norms and principles in the field of women's rights. The Government has been reviewing the Nepalese statutory and other legal

provisions in order to abolish discriminatory provisions against women. Similarly the Domestic Violence Control Act and the Family Court Act are being considered by the Government, in order to provide speedy justice for women.

80. The establishment of a national women's commission is also being considered for the economic, social and cultural enhancement of women. It will be a major step forward for the empowerment of women.

81. Although women are dominated in every patriarchal society, Nepalese law has provided the same economic rights to women as men.

82. Despite the fact that female literacy has increased significantly over the years, the female enrolment rate remains very low: 39 per cent at the primary level and 31 per cent at the secondary level. Government efforts to increase the participation of women in education include, among other things, special education programmes, women's education programmes, scholarships for girl students, free textbooks and employment of at least one female teacher in every primary school.

83. According to the 1991 census, women constitute 46 per cent of the total economically active population. Ninety per cent of them are engaged in agriculture for 11 hours a day, whereas men work for 7 hours. Women contribute 50 per cent of household income, whereas men contribute 44 per cent and children 6 per cent.

84. Women's involvement in the industrial sector is marginal, unevenly distributed and largely confined to low-skilled areas. The main employers of women are the textile and weaving industries, but their involvement is mainly in unskilled and semi-skilled positions. In the service sector, educational institutions, government and financial institutions are the main employers of women. The percentage of women in decision-making positions is minimal.

85. Among the 205 members of the lower House of Parliament, 12 are women at present. Similarly, of the National Assembly's 60 members, only 9 are women at the moment.

86. Realizing the need for a strong institutional mechanism for the promotion of women's rights, the Ministry of Women and Social Welfare has prepared, together with women activists, a concept paper for the National Commission for Women.

87. On the whole, the Constitution and legislation have paid due attention to enabling women to exercise effectively their legally recognized rights, equal to those of men, to work, to have education and to take part in public, political, cultural and other social activities. Specific policies and programmes for the development and empowerment of women have been outlined in the Ninth Plan.

Article 4. Limitations on economic, social and cultural rights in time of public emergency

88. Article 115 of the Constitution deals with emergency situation in the State. When a grave emergency arises in regard to the sovereignty or integrity of the Kingdom of Nepal or the

security of any part thereof, whether by war, external aggression, armed rebellion or extreme economic disarray, His Majesty may, by proclamation, declare or order a state of emergency in respect of the whole of the Kingdom of Nepal or any specified part thereof. This declaration may last for one year if the House of Representatives deems it necessary. Freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to move throughout the Kingdom and reside in any part thereof, provision against censorship of news items, articles or other reading material, and the right to constitutional remedy may be suspended. However, some non-derogable rights, particularly the right to equality, the remedy of habeas corpus, rights regarding criminal justice, cultural and educational rights, the right to practise one's religion, the right against exploitation and the right against exile may not be affected. This constitutional provision explicitly fulfils the spirit of article 4 of the Covenant.

Article 5. Safeguard clauses

89. The Nepalese law, the Human Rights Commission Act, promulgated in 2053 BS defines human rights as the rights pertaining to life, liberty and equality as established by the Constitution and other Nepalese law and those stipulated in international conventions or treaties on human rights to which Nepal is a party. This implies that the Nepalese legislative domain recognizes the rights contained in international instruments to which Nepal is a party on an equal footing vis-à-vis national law. It is clearly embodied in the Treaties Act, 2047 that, in the event of any inconsistency between Nepalese law and any convention/treaty ratified or acceded to by Nepal, the convention shall prevail.

90. However, Nepalese law does not allow any restriction or derogation of any of the human rights recognized and established by any legal instrument on the pretext that this Covenant either does not recognize such rights or recognize them to a lesser extent. In other words, the rights recognized by virtue of Nepalese law or conventions or court decisions cannot be derogated simply on the grounds that such rights are not recognized, or are recognized to a lesser extent, by this Covenant. The fact that the Constitution makes the protection and promotion of human rights an unamendable element of the Constitution also implies that none of the rights recognized under Nepalese law can be restricted or derogated on the grounds that the Covenant does not recognize those rights.

Article 6. Right to work

Article 6.1

91. The Constitution guarantees all citizens the freedom to practise any profession, or to carry on any occupation, industry or trade. Hence, everyone has the right to make his living by work which he freely chooses or accepts. As a safeguard of this right, the right to constitutional remedy enshrined in article 23 of the Constitution may be invoked.

92. Everyone has the right to work to earn his living. There are legislative measures to safeguard the rights of employees, including minimum wages and conditions of work. The law also provides for measures to enforce the regulation of the specific firm or organization governing employment.

Article 6.2

93. The Nepalese legislative framework has banned child labour. Children are strictly prohibited from being involved in any work in a factory. However, children have long been a source of income for the poor family. As long as families do not have alternative sources of income child labour in one form or another will continue to exist, owing to the imperative for children to work for their living and to support their family. Hence, there are certain protective measures for minors (aged 14 to 18) who work fixing a basic minimum wage, providing opportunities for non-formal education and job-oriented training, basing work on the age, sex, and the physical and mental capacity of the minor, and reducing working hours.

94. Such problems as illiteracy, poverty and lack of adequate awareness among people are the main hindrance in materializing the lofty theme of the right to work. Forty-five per cent of the population of Nepal live below the absolute poverty line. Nepal's development indicators exhibit a low level of social and human development, as reflected in the high rate of illiteracy, low educational attainment, use of unsafe drinking water, high infant mortality and child mortality rates, high maternal mortality rate, low life expectancy at birth, inadequate food consumption, poor nutritional level, etc.

95. Since the mid-1980s several initiatives have been taken for poverty alleviation. A growth-oriented approach was the dominant development strategy followed in most of the past plans, aimed at attaining a high growth rate to tackle poverty through development programmes implemented in both rural and urban areas. Moreover, several programmes and projects were launched to enhance agricultural and industrial production and to strengthen infrastructure. However, these programmes were not found to have the expected impact on the deprived section of society through poverty alleviation.

96. Now, the Ninth Plan of the country contains a long-term vision for poverty alleviation. It aims to reduce the size of the population below the absolute poverty line from the present 45 per cent to 10 per cent in the next 20 years. Programmes have been envisaged for the creation of employment and self-employment opportunities, human resource development, the creation of a fund for the alleviation of poverty through the organization and mobilization of people in low-income groups in urban and rural areas.

97. Furthermore, targeted programmes for indigenous groups will be launched in the poverty prone areas. Such programmes will include a remote area development programme, a backward ethnic communities upliftment programme, programmes for socially backward and other depressed communities, relief programmes for landless rural families, a programme to provide loan facilities to small landholders, a programme to provide shelter and agricultural land to targeted communities and an employment programme for poor and unemployed people in urban areas, among others.

98. Similarly, some strategies have been devised with a view to making poverty alleviation programmes successful. Such strategies are in brief as follows:

(i) To monitor poverty alleviation programmes and identify additional programmes and strategies, a high-level poverty alleviation commission will be constituted;

(ii) Employment programmes will be implemented at grass-roots level and one third of the allocated budget will be utilized for employment-oriented and income-generating programmes for the poor;

(iii) The role of non-governmental organizations in implementing these programmes will be made more effective;

(iv) A targeted credit programme focusing on shelter, literacy, education, health and drinking water facilities for the poor will be launched, with the help of governmental and non-governmental organizations;

(v) Best efforts will be made to implement a one-family-one-employment policy;

(vi) A poverty monitoring system will be developed and implemented at the grass-roots level to monitor and evaluate poverty alleviation programmes.

It is expected that the implementation of such programmes and policies would contribute to a large extent to realizing the economic, social and cultural righs of the people.

Article 7. Right to enjoyment of just and favourable conditions of work

99. The Nepalese legislative framework has ensured every citizen the right to enjoy just and favourable conditions of work. Article 20 of the Constitution prohibits trafficking in human beings, slavery, serfdom or forced labour in any form. Engagement of a minor in work in any factory or mine or in any other hazardous work is also prohibited.

100. In 1991, the Labour Act was enacted to secure timely provisions concerning the rights, interests, facilities and security of workers and employees working in enterprises. This Act stipulates that the minimum wages of workers or employees are determined by the Government on the recommendation of the Minimum Wages Fixation Committee, comprised of representatives of workers or employees, management and the Government. It should be noted that any agreement entered into between the management and labour providing wages lower than those prescribed by the Government is prohibited. Article 11 (5) of the Constitution explicitly prohibits any discrimination in remuneration between men and women for the same work.

101. Moreover, the Labour Act provides for various arrangements regarding health and safety conditions at work that are applicable to both men and women employees on an equal footing. Depending on seniority and competence, men and women have equal opportunity to gain promotion. Chapter 3 of the Labour Act establishes the provisions on working hours. To engage any employee in work of more than 8 hours a day or 48 hours a week is prohibited. A weekly holiday should be given and remuneration for public holidays.

102. Nepal is a party to various ILO conventions, including the Convention concerning Equal Remuneration (No. 100), the Convention concerning Minimum Wage Fixing (No. 131) and the Weekly Rest (Industry) Convention (No. 14).

Article 8. Right to form trade unions

103. Article 12.2 (c) of the Constitution stipulates that all citizens are free to form unions and associations of their choice. Section 6 (3) of the Civil Liberties Act also provides citizens with this right. Under article 112 of the Constitution, citizens are entitled to form and operate political organizations or parties of their choice. Restrictions on this right may be imposed only by law on the ground of a genuine threat to sovereignty and integrity of the country or public order or morality.

104. The Trade Union Act, 1992 was enacted to protect and promote the vocational and professional rights and benefits of workers in any enterprise. Under section 4 of the Act, workers of any enterprise are allowed to form trade unions for the protection of their professional interest, and at least 50 trade unions or 5,000 workers of enterprises of a similar nature can, by agreement, form a trade union association. Under section 5, at least 10 trade union associations can, by agreement, form a trade union confederation. Under section 18, a trade union is an autonomous and a legal person or body and is free to function subject to the provisions of the Act.

Article 9. Right to social security, including social insurance

105. No State can remain indifferent to the responsibility of providing social security for those mentally or physically challenged by birth, age, accident, natural calamities, differences in opportunities for development, etc. The philosophy of the welfare State is understood as State interference in the operation of market forces in order to protect or promote the material well-being of individuals or families on grounds of fairness, compassion and justice.

106. The major objectives of social welfare programmes are: to protect the interests of the weak, helpless and socially backward sections of society; to raise mass awareness in order to root out superstitious traditions of society; to inspire people to increase cooperation in establishing a built-in system to address common social problems; and to help people in time of severe hardship, irrespective of the reason.

107. Article 26 (9) of the Constitution proclaims that the State shall adopt policies in matters of education, health and social security for the protection and welfare of orphans, helpless women, the aged and the disabled. The Village Development Committee Act of 1991 states that the Village Development Committees shall carry out programmes for the benefit and welfare of children and women.

108. Securing public trust is the most important challenge and goal of good governance for a State system. Social integration fosters unity and encourages collective work to achieve a common social goal. One of the major goals of social development is to create a sense of belonging for people in the society and nation.

109. The level of nutrition is one of the indicators of living standards. More than half the children and women in Nepal are suffering from protein and micronutrient deficiencies. Poverty, illiteracy, disease, inadequate agricultural production, unequal distribution and traditional food habits are the main reasons for malnutrition and undernutrition. In this context, it has been felt

that concrete efforts have to be made to increase the level of nutrition in tune with the "National Nutrition Action Plan 1996" formulated in accordance with Nepal's commitment under the International Convention on Nutrition.

110. Under the Eighth Plan (1992-1997) specific policies and programmes were adopted regarding social protection, such as mobilization of local resources; strengthening and developing social welfare centres, especially for drugs and disaster victims, as well as people in especially difficult circumstances; old people's and children's homes; public awareness concerning social protection of women, children, the disabled, poor and the aged; scholarships for poor students; credit schemes; income generation programmes, etc. The Government and NGOs are joining hands to implement these programmes to uplift the status of the exploited, oppressed and marginalized people. More than 10,000 NGOs are working in advocacy and development delivery to improve the situation of these people.

111. In 1995, His Majesty's Government made a beginning with regard to social protection. The 1994/95 budget introduced a programme to provide an old-age benefit of NRs. 100 per month for every old person aged 75 and above in five districts, which was expanded to cover all districts in 1995/96. Later, schemes to provide NRs. 100 per month to helpless widows of 60 years and above, and to provide an allowance of NRs. 100 per month for permanently physically and mentally disabled persons were also added. In addition, various provisions, such as a monthly stipend of NRs. 25 each for about 75,000 girl students of 10 remote mountain districts, free lunch to about 200,000 primary school students of 8 districts and the establishment of old homes in each development region, and later in each district, were also made. A subsidized curative health service programme was launched in 1994/95 for senior citizens and children.

112. His Majesty's Government has, consistent with the Guiding Principles for Developmental Social Welfare Policies and Programmes, formulated specific policies, programmes and strategies for social protection in the Ninth Plan especially targeting women's empowerment, child development, senior citizens, helpless widows, the disabled and people in especially difficult circumstances.

Article 10. Protection and assistance to the family

Article 10.1

113. Nepal is a multi-ethnic and multi-lingual country. Mostly, the Nepalese live in closely knit families which play a very important role in their life. Married men and women share family responsibilities. While men are normally the breadwinners, it is the duty of wives to take care of their children in regard to their personal health, nutrition, education and overall well-being. The State has also an important role to play in this respect.

114. Part 4, paragraph 26, subparagraph 8 of the Constitution reads: "The State shall make necessary arrangements to safeguard the rights and interests of children and shall ensure that they are not exploited and shall make gradual arrangements for free education." Accordingly, school-level education has been made free. Students up to grade three and girls up to grade five

are provided with textbooks free of cost and, as from the current academic year, for all pupils up to grade five, textbooks will be distributed free all over the country. There are some general and vocational schools with facilities for disabled children.

115. Part 4, paragraph 26, subparagraph 9 of the Constitution reads: "The State shall pursue such policies in matters of education, health and social security of orphans, helpless women, the aged, the disabled and incapacitated persons as well as to ensure their protection and welfare."

116. There are legal provisions that make parents or guardians responsible for providing their children with food, clothing, education and medical treatment to the extent their economic status permits. It is the duty and responsibility of their parents or guardians to provide appropriate direction and guidance to children.

117. According to the laws in force, mothers are eligible to get puerperium leave of up to 60 days after childbirth. This period is given as officially sanctioned holidays with full pay if the mother is employed full-time. The Labour Act, 1992 has also provided for maternity leave.

Article 10.2

118. The Government has made specific rules and regulations to protect children from exploitation. Children below 14 years of age cannot be employed between 6 p.m. and 6 a.m. and their total working hours should not exceed 36 hours per week. Children are also protected from employment in hazardous and dangerous jobs and workplaces.

119. The Labour Act of 1992 and the Children Act of 1992 have clearly defined, regulated and prohibited the employment of children. The Government has formulated a 10-year National Programme of Action for Children and Development for the 1990s. The formation of the Central Child Welfare Board at the national level and the District Child Welfare Board, and initiatives by NGOs to prevent child labour are also very important in this regard.

120. The Labour Act, 1992 provides that women employees shall be given adequate time for breastfeeding their children. The Children's Act, 1992 states that it is the responsibility of the Government to render assistance in making arrangements for the proper health care of pregnant mothers and to provide services relating to family planning.

121. Various programmes are being implemented to ensure women's right to receive appropriate services during pregnancy, delivery and the post-natal period, and to receive adequate nutrition during pregnancy and lactation.

122. Health services have been receiving priority from the very beginning of the planned development process in the country. The Safe Motherhood Programme is being implemented, and antenatal and prenatal health care are also being promoted. However, the health status of people in general still remains poor. The service delivery system is improving but still insufficient. In Nepal, about 13 per cent of all mothers have access to professional post-natal care. Recently, a more organized safe motherhood programme has been initiated in the public sector. Its first phase is being implemented in 10 districts.

123. The legal age of marriage in Nepal is 21 years for males and 18 years for females without parental consent and 18 years for males and 16 years for females with the parents' consent. The free will of the intending spouses is given due importance. However, in some cases, such intending spouses might face social obstruction if the bride and groom come from different social backgrounds.

124. According to the Marriage Registration Act 1971, a bride and groom who have attained the marriageable age can have their marriage registered at the Office of the Chief District Officer. In such cases, the married couple is given a certificate of registration of marriage, duly signed by the competent authorities.

Article 10.3

125. Since the Constitution stipulates that no minor shall be employed in a factory, mine or dangerous work, the Children's Act prohibits the employment of children below the age of 14 in such industries. It also provides for some protective and safety measures while employing the 14 to 18 years age group. The Labour Act also prohibits employment of children below 14 years of age in industrial enterprises. The Act further states that a minor cannot be engaged in work between 6 p.m. and 6 a.m. If they are employed, they should be given non-hazardous work, protective gear and sufficient time for their studies.

126. Despite these measures, child labour is still a widespread phenomenon in Nepal. Children are found working as an integral part of the family workforce, owing to poverty and lack of awareness.

127. The work participation rate by age group in the period 1981-1996 is given below.

Table 7

Work participation rate by age group from 1981 to 1996
(percentages)

Age group	1991
10 - 14	22.9
15 - 19	49.8
20 - 59	71.5
60 and above	33.6

128. The problem of child labour faced by developing countries today remains a serious concern. While poverty compels children to work for survival, the rent-seeking economic structure and stratified social structure contribute to marginalization of the poor that leaves them no option but to adopt child labour as part of their survival strategy.

129. The work force participation rate by gender in the period 1981-1996 is given below.

Table 8

Workforce participation rate by gender from 1981 to 1996
(percentage)

Gender year	1991
Men	68.7
Women	45.5
All	57.0

130. The present situation of child labour demonstrates the critical need for a more focused approach and action to eliminate child labour in Nepal. Poverty and hunger, deprivation of education, bad working conditions, a heavy workload, long working hours, low wages, etc., remain the major concerns regarding child labour in Nepal.

Article 11. Right to an adequate standard of living

Article 11.1

131. Nepal has recognized the right of every citizen to an adequate standard of living. The Constitution directs the State to pursue a policy of raising the standard of living of the general public through the development of infrastructure such as education, health, housing and employment of people in all regions.

132. Moreover, Nepal has entered into a regional food security arrangement with other South Asian Association for Regional Cooperation (SAARC) countries, with the establishment of the SAARC Food Security Reserve in 1987. Under this agreement each SAARC country has to earmark, as its share of the reserve, the amount of food grains allocated to it in the schedule of the agreement. Such reserve can be used by SAARC countries to meet emergency food needs that are left unmet out of national food reserves and in situations when they are unable to procure food grains on account of balance of payments constraints.

133. Under the constitutional provisions of Nepal, every citizen is entitled to take part in cultural life and to enjoy the benefit of scientific progress and its application. Any form of discrimination as to the enjoyment of this right is prohibited. Article 11 (4) of the Constitution explicitly provides that no person shall, on the basis of caste, be discriminated against as untouchable, be denied access to public places or be deprived of the use of public utilities. Similarly, each community has the right to preserve and promote its language, script and culture.

134. Moreover, the Constitution entrusts to the State the responsibility of maintaining conditions suitable to the enjoyment of the fruits of democracy by people without discrimination. The State is also directed by the Constitution to pursue a policy of giving priority to the development of science and technology and to give due consideration to the development of local technology.

135. Similarly, the Copy Rights Act, 1965 has laid down ample provisions to safeguard the moral and material interests of citizens resulting from any scientific, literary or artistic production of which one is the author.

136. The Plan of Action for Nutrition mentioned earlier also promotes food security and micro-nutrient supply.

Article 11.2

137. The Government is making efforts to provide adequate food to the Nepalese people. It was estimated that in 1997/98, a total of 4.124 million metric tons of food grains was needed in the country, of which the domestic production is estimated to have contributed 3.896 million metric tons. Out of 75 districts, 47 suffered a food grain shortage, while 28 districts had a food grain surplus.

138. The textile industry is mostly in the hands of the private sector. People are free to buy and sell clothing of their choice. There is one government-owned corporation also which produces inexpensive textiles for sale to the general public.

139. People are free to buy and sell land/houses or other immovable property and settle in places where they like in the country. Rapid and haphazard urbanization has emerged as a big problem. There is a regulatory mechanism for the approval of the plan by the metropolitan/ municipality office. Offenders flouting the housing norms are subject to punishment. However, the approval of plans is not compulsory in villages.

140. The Government has tried to develop some housing projects for civil servants, providing land with infrastructure such as water, electricity and sewerage facilities at a reasonable price. However, such projects have been able to provide only limited additional housing facilities.

141. The Government is gradually implementing the land reform programme to make the optimal use of land and natural resources.

142. The Government has set as its goal to stamp out hunger from the country. It has a system for close monitoring of the food grain situation in the country. Food deficit areas are supplied with additional food procured internally. In severe food-deficit situations, as well as under the food-for-work programme, food from external sources including from the World Food Programme (WFP) is mobilized.

143. Since agriculture is the mainstay of the country, the Government is striving to increase food grain production in the country through improved irrigation. Moreover, the Government is also making efforts to provide seeds and fertilizers to farmers through both public and private channels. It also subsidizes chemical fertilizer to some extent, to ensure its affordability to farmers.

144. The Nepal Food Corporation (NFC) is a government undertaking dealing with the sale/procurement/distribution and storing of food grains in the country. NFC has constructed several depots to store food grains in different parts of the country. Such depots are mostly constructed with financial and technical cooperation from donors.

145. Export of food grains may be banned depending on the food grains situation in the country. Certain food grains may need license for export or import. The food grains situation is assessed from time to time and if there seems to be a shortfall, the Government takes appropriate action to fulfil the demand.

Article 12. Right to enjoyment of the highest attainable standard of physical and mental health

Article 12.1

146. Article 26 of the Constitution directs the State to pursue policies that will raise the people's standard of living through the development of health, education, housing and employment opportunities. It also directs the State to pursue such policies in the fields of education, health and social security that will ensure the protection and welfare of orphans, helpless women, the aged and the disabled. It recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

147. The Government adopted a comprehensive National Health Policy in 1991 with the objective of enhancing the health status of the people and the development of the health sector in Nepal, both from the perspective of service delivery and the administrative structure of the health system. The policies classify health services as preventive, promotional and curative, and make arrangements for different-level health institutions accordingly. The health policies in the Eighth Plan (1992-1997) were also in line with the National Health Policy.

148. The major health policies set out in the Eighth Plan were:

Development of an integrated primary health service at different levels by establishing and developing the female community health volunteers (FCHVs) at village development committees, health posts at ilaka levels and primary health centres in each electoral constituency;

Development of a curative health service on a referral basis;

Inclusion of mother and child health and family planning services as an integral part of primary health care services.

Implementation strategies and institutional mechanisms have been developed and promoted over the past years. In addition, the 20/20 policy has been accepted for gradual implementation. A number of Acts have been implemented to ensure local participation in development, including in the health sector.

149. During the Eighth Plan period, 95,314 FCHVs were trained to provide basic health services especially to mothers and children at the grassroots level. Moreover 3,187 sub-health posts and 100 primary health centres have been established under the National Health Policy 1992. The Expanded Programme of Immunization against different diseases, as well as health education, nutrition, epilepsy, TB and other epidemic disease services have been extended to the grassroots level to provide primary health care. Specific services have also been established to fight malaria, yellow-fever and encephalitis. With the aim of eradicating polio by the year 2000 national immunization days are organized twice a year to administer polio drops to children in the age range 0-5 years.

150. Mother and child health and family planning programmes were implemented during the period 1992-1997 to minimize the negative effect of rapid population growth on the socio-economic development of the country.

151. Health education, information and communication programmes have been conducted in an integrated way. Nutrition programmes and growth monitoring of children are being implemented. Vitamin A and iodized salt are being distributed at the grassroots level. Health services are being provided to children for controlling diarrhoeal diseases, acute respiratory infection and other prevalent diseases. Homeopathy, natural and traditional methods of health care are also being promoted to provide health services to the masses.

152. The health policy adopted in the Ninth Plan (1997-2002) has again incorporated a 20-year vision for primary health care. It has considered health as a part of human rights and as an effective measure to control population and to facilitate poverty alleviation.

153. The policies and strategies in the Ninth Plan (1997-2002) include: implementing the long-term National Health Plan; providing an integrated basic health care package up to the village-level; providing an integrated basic health care service on the basis of a referral mechanism; strengthening of the curative health service on the basis of a referral system in basic health institutions and hospitals; providing reproductive health services up to the village level and demand driven family planning services; developing a package programme with manpower, medicines and equipment, taking into account the concept of cost effectiveness; and mobilizing the private sector and NGOs together with the Government for the development of the health sector. The other health policies include the development of an Ayurved service as an integral part of the health service; effective planning, management and implementation of the health service through decentralized policy and process; implementation of a health personnel development plan; reform of the national health policy and laws; increasing resources for the health sector; and mobilization of the private sector and NGOs for resource generation.

154. The health status as of 1996/97 and goals of the Ninth Plan are given below.

Table 10

Health status as of 1996/97 and goals of the Ninth Plan

Health indicator	Situation as of 1996/97	Goal of the Ninth Plan
Infant mortality rate (per 1,000 live births)	74.7	61.5
Child mortality rate (per 1,000 live births)	118	102.3
Total fertility rate (per woman)	4.58	4.20
Life expectancy male, female	56.1	59.7
Maternity mortality rate (per 100,000 live births)	475	400
Contraceptive prevalence rate	30.2	36.6
Delivery services from TBA	31.5	50.0
Crude death rate (per 1,000)	11.5	9.6
Crude birth rate (per 1,000)	35.4	33.1

Source: The Ninth Plan, NPC, HMG/N, 1997.

Article 12.2

155. Both the Eighth Plan Policy and the National Environment Impact Assessment Guidelines have accorded priority to the sustainable use of natural resources. The major programmes identified in the Eighth Plan included environment impact assessment, including health assessment in development projects; pollution control especially of air, water and chemicals from industries, to safeguard the health of the population; and environmental ethics, ranging from conservation of natural resources to the health impact of environmental degradation.

156. The Nepal Environment Policy and Action Plan was adopted in 1993. It analyses the environmental issues in a multi-sectoral framework and sets forth policies, strategies and an action plan for maintaining the country's natural environment and the health of the population. The Environment Protection Council was established in 1993, after the Rio Earth Summit, as the apex body under the chairmanship of the Prime Minister to advise the Government on environmental issues.

157. The Ministry of Population and Environment was formed in 1995. The Environment Protection Act, 1996 and the Environment Protection Rules, 1997 have been framed for the protection of the environment. The Environment Health Initiative, 1996 has the objective of ensuring the inclusion of health and environmental issues as an integral part of the national plan for sustainable development. The areas covered are: maintaining water and air quality; food and chemical safety; infectious waste management; and healthy cities.

Article 13. Right to education

Article 13.1

158. The Government is fully aware of the importance of education to people. Therefore, education has been given due importance since the Government began implementing economic development plans. Nepal is endeavouring to attain the goal of basic education for all and, in this context, school education has now been made free.

159. As mentioned earlier, article 26 of the Constitution directs the State to pursue a policy of raising the standard of living of the general public through the development of education, health, housing and employment.

160. The literacy rates for males and females have been increasing significantly since 1971. They are given below.

Table 6

Literacy rates by sex

Year	Male (%)	Female (%)	National (%)
1971	23.6	3.9	13.9
1981	34.0	12.0	24.0
1991	55.0	25.0	40.0
1996	65.0	31.0	48.0

Source: The Ninth Plan, NPC/N, HMG/N, 1998.

Article 13.2 (a)

161. The Government has declared primary education free. No fee of any nature will be charged for any primary school student in the country. Textbooks are also provided to students free of charge, up to grade five.

162. The Government has pursued a policy of expanding access to basic and primary education by increasing the number of primary schools. Moreover, new initiatives will be taken under the Ninth Plan to make primary education compulsory. The necessary arrangements will be made to empower local bodies to enforce free and compulsory primary education. Efforts are underway to make both school education and higher education accessible to the people.

163. The objectives of education as identified by the National Commission on Education are as follows:

(i) To support the potential for the development of the inner talent and personality inherent in every individual;

(ii) To assist in developing healthy social life by promoting universal social norms, and national and social values and beliefs;

(iii) To strengthen social unity by helping in the process of socialization of every individual;

(iv) To assist individuals to live in harmony in modern societies by ensuring their own identity in national circumstances;

(v) To develop human resources for modernization and national development;

(vi) To support conservation and the best utilization of the natural environment and national resources;

(vii) To assist backward and unprivileged people to participate in the national mainstream.

164. Nepal has been moving forward satisfactorily in the field of education from the quantitative perspective. However, equity in the distribution of educational opportunities and promotion of quality still remain a serious challenge for the Government and society at large.

165. The total enrolment in 1996/97 in primary schools reached 70 per cent, reflecting the attainment of a gross enrolment ratio of 114 per cent, while the gross enrolment ratio at the lower secondary level and secondary level is about 48 and 32 per cent respectively. The number of primary schools reached 21,473 and primary school teachers reached 82,645. Priority has been given to the appointment of female teachers in primary schools.

166. The proportion of girl students in primary school enrolment was 39 per cent, in lower secondary school 36 per cent and in secondary school 35 per cent in 1996/97. The number of secondary schools and teachers that year reached 2,054 and 14,585 respectively. The estimated number of teachers was 87,281, 18,388 and 15,930 respectively in primary, lower secondary and secondary schools in 1996/97.

167. The literacy rate was 42 per cent in total in 1996/97, the male and female literacy rates being 57 and 27 per cent respectively. Higher education has developed significantly in the past four decades. The tendency to opening universities and campuses increased significantly after the restoration of multiparty democracy in Nepal in 1990. The internal efficiency of school education at the primary level is quite low. Because of the high dropout and repetition rate, the completion of five year primary education requires over 11 years on average.

168. The objectives of the Ninth Plan constitute developing education as a key factor for alleviating poverty and raising the living standards of the people through economic and social development and for achieving national progress through appropriate development of human resources; making the citizens loyal to the nation and making them aware and devoted to democracy, capable, productive, disciplined and dedicated to human rights and social

responsibility, etc. The Plan has as a target the attainment of 70 per cent adult literacy and of 90 per cent net enrolment in primary, 55 per cent in lower secondary and 45 per cent in secondary-level education.

169. The policies and strategies of the Ninth Plan include development of pre-primary education; expansion and development of basic, primary, lower secondary and secondary education; provision of compulsory primary education; launching a literacy programme in the form of a national campaign; improvement of the internal and external efficiency of school-level education; amalgamation of secondary and higher secondary education under integrated management; establishment of polytechnic schools; establishment of an agriculture and forestry university and other technical universities; and decentralization of educational management for improving capability and to allow for the active participation of local people.

Article 13.2 (b)

170. In order to make school education compatible with international standards, the Government has begun implementing higher secondary education at the 10+2 level on a phased basis.

Article 13.2 (c)

171. Measures are under way to enhance people's access to higher education by increasing the number of institutions and universities in different parts of the country. A number of private and public campuses have been opened lately with different faculties. One university was opened some years ago on a private initiative. This university imparts education in the fields of science and management.

Article 13.2 (d)

172. Non-formal education is also receiving considerable attention in Nepal in view of the geographical and socio-economic conditions of the people and the country. In order to increase the literacy rate, non-formal education schemes, particularly literacy programmes, will be implemented as a national campaign.

173. For out-of-school children of 6 to 14 years of age, it is envisaged to provide education using a non-formal approach, such as village-rooted "Chelibeti" and "Sikchya Sadan" programmes. The Government's efforts are being supported by national and international NGOs also in this regard.

174. There are several schemes to support poor but bright students through scholarships at every level from primary school up to university level. Moreover, the Government also receives scholarships from many friendly countries and international organizations in areas such as sociology, medicine, engineering, business administration, computer science, etc. The Government's scholarships are granted to students on the basis of merit by a selection committee under the Ministry of Education.

Article 13.2 (e)

175. In Nepal, teachers receive their salaries from the Government coffer. They have freedom to form their own unions. Teacher training is imparted by a number of institutions run by the Government as well as by the university.

Article 13.3

176. Parents or guardians are free to choose the discipline, as well as the school, campus or university in which they would like to enrol their children. Normally, public educational institutions are either free or less expensive comparative to private institutions.

Article 13.4

177. Students are taught moral education. The religion of a student is not a bar at all to enrolment in a school, campus or university.

178. In order to maintain educational standards, the Government has set minimum norms in education. Every educational institution must follow the Government's policy regarding the curriculum to be taught. Within broad parameters laid out by the Government, there is academic freedom in the country.

179. In fact, the Nepalese people are trained and educated to be very courteous to their parents, teachers and guests from their early childhood. In schools also, enough attention is given to inculcating the values of tolerance, friendship, understanding, cooperation, racial harmony and other moral traits.

Article 14. Provision of compulsory education

180. The Government has already made education up to grade 10 free of tuition fees in public schools. Under the policy adopted by the Government in its Ninth Plan, primary education will be improved, expanded and made compulsory. Moreover, arrangements will be made to impart primary education to students in their local languages.

Article 15. Right to cultural life, scientific research and creative activity

Article 15.1

181. Nepal is an ancient Kingdom where people of different castes, creed and cultural backgrounds reside peacefully and in complete racial harmony. The Constitution guarantees every Nepali citizen their right to their own culture. Therefore, the cultural life of every Nepali citizen is completely free from interference by the State.

182. To preserve and promote the cultural heritage of Nepal, the Government established the Ministry of Youth, Sports and Culture in 1995. The objectives of the Ministry as regards culture are as follows:

(i) Formulation and implementation of policies and plans for culture-related matters (preservation, promotion, dissemination);

(ii) Affiliation, coordination and contact with national and international organizations related to culture;

(iii) Hosting of and participating in national and international conferences, seminars and workshops on cultural affairs;

(iv) Cultural exchange agreement and studies on culture.

Article 15.2

183. The Government, in view of the important role of science and technology for the development of the country, established the Royal Nepal Academy of Science and Technology (RONAST) in 1982 with a view to fulfilling the objectives of promoting, developing and undertaking research studies in various areas of science and technology on a priority basis. Nepalese scientists from different fields have been working at RONAST ever since. In fact, science and technology is recognized as a catalyst for unleashing the forces of progress in the country.

184. Further, the Government constituted a separate Ministry of Science and Technology on 15 May 1996 to look after the entire work related to science and technology. With the establishment of the Ministry, a new dimension has been added to the development of science and technology in the country. The basic goal of this Ministry is to create a conducive environment for the proper development of science and technology and to make necessary arrangements for its effective application to the task of national development.

185. The ministry of Science and Technology will strive to fulfil these objectives through formulating and implementing policies, plans and programmes relating to science and technology, promoting research, developing alternative energy, establishing links and ensuring coordination with universities, and producing, supplying and managing tools and equipment relating to science and technology.

Annex 1

Trend of major economic indicators

(annual percentage change)

Indicators	1971-80	1981-90	1991-96
Real GDP	2.1	4.9	5.2
Agriculture	0.5	4.6	2.2
Non-agriculture	7.0	5.2	7.8
Prices			
(Consumer price index)	7.9	10.6	10.7
(GDP deflator)	7.1	10.3	10.1
Government expenditure	17.8	19.3	12.3
Regular	18.8	19.2	21.0
Development	17.7	19.2	7.4
Revenue	15.4	17.6	18.0
Exports	-	19.4	28.7
Imports	-	18.4	27.8
In percentage of GDP	**1975**	**1985**	**1996**
Government expenditure	9.1	18.9	19.7
Revenue	6.1	8.8	11.3
Trade deficit	5.6	11.3	22.8
Current account deficit	0.7	4.2	9.5
BOP (+surplus) (-deficit)	2.5	-1.95	-0.54
Foreign debt	2.1	20.7	56

Source: Nepal Human Development Report, 1998.

Annex 2

Some indicators of human development

Indicator/year	1981	1991	1996
Population (million)	15	18.5	21.2
Sex ratio (male per female)	1.05	0.99	1.01
Crude birth rate (per 1,000 persons)	39	41	37
Crude death rate (per 1,000 persons)	14	13	12
Population growth rate (%)	2.7	2.1	2.3
Total fertility rate (%)	6.1	5.6	5.0
Infant mortality rate (per 1,000 births)	117	97.5	86.1
Maternal mortality rate (per 1,000 births)	NA	5.8	5.39
Life expectancy at birth (years)	50	54	57
Persons/hectares of cultivated land	6.1	7.8	NA
Mean age at marriage			
Male	21.8	21.4	NA
Female	17.1	18.1	NA
School enrolment ratio (%)			
Primary	NA	106	114.1
Lower secondary	NA	40	47.9
Secondary	NA	32	31.6
Population per doctor (in thousands)	30	16	10
Population per nurse (in thousands)	9.0	6.0	5.0
Labour force participation rate (%)	65.1	57	67.2
Male	83.1	68.1	71.0
Female	46.2	45.2	63.7
Employment structure (%)			
Agriculture	91	81	NA
Industry	0.5	2.6	NA
Service	8.5	16.4	NA
Self employment (%)	85.5	75.3	78.4
Male	83.2	69.5	70.5
Female	90.0	83.7	86.2
Total external debt (% of GDP)	9.0	51.2	53.5
Debt service ratio	1.6	7.2	5.6

Source: Nepal Human Development Report, 1998, and DHS, MOH, 1996.

- - - - -